IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11359 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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Versus

DENA BANK

Appearance:

1. Special Civil Application No. 11359 of 2001

MR AJ SHASTRI for Petitioner No. 1

MR KM PATEL for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

..... for Respondent No. 3

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 01/02/2002

ORAL JUDGEMENT

Rule. Service of rule is waived by learned

advocate Shri K.M. Patel for the respondents. Looking to the facts of the case the matter can be disposed of without going into the merits of the case.

2. It has been submitted by both the learned advocates that the petitioner has already filed an appeal before the appellate authority of the respondent bank and the said appeal is pending.

3. It has been submitted by learned advocate Shri Shastri that the appeal was filed long back, but the appeal has not been decided till today. Looking to the facts of the case, it is hoped that the said appeal shall be decided as soon as possible and preferably within a period of six weeks from today.

4. It has been submitted by learned advocate Shri Shastri for the petitioner that the petitioner would like to appear in person before the appellate authority to represent his case. It would be open to the petitioner to make such a request to the appellate authority and if such a request is made, the appellate authority shall pass necessary orders in accordance with law on the letter of request of the petitioner.

5. In view of the above direction that the appeal is to be decided as soon as possible and preferably within six weeks from today. The petition is disposed of. Rule is discharged with no order as to costs.

Direct service is permitted.

(A.R. Dave, J.)

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